IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 684 of 2002

in

SPECIAL CIVIL APPLICATIONNo 3469 of 2002

with

CIVIL APPLICATION No 5815 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

JAYANTIBHAI VENABHAI PATEL

Appearance:

MR MA BUKHARI, AGP,for Appellant No.

MR JV JAPEE for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE K.A.PUJ

Date of decision: 20/01/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Admit. Upon joint request and in view of the peculiar facts and special circumstances, the appeal is taken up for final hearing today itself.

Simply on the ground of the impugned judgment being cryptic and without reasons and discussion of the points raised, without going into the merits of the issues involved, we are inclined to exercise our appellate powers under clause 15 of the Letters Patent and to remand the matter to the learned single Judge to rehear the matter and reconsider and pass appropriate order in accordance with law, after giving an opportunity of hearing to the parties, with reasons and by a speaking order.

We, therefore, quash and set aside the impugned judgment being cryptic and transmit the writ petition to the learned single Bench for consideration and adjudication in accordance with law with reasons and by a speaking order after giving an opportunity of hearing to the parties, expeditiously and preferably on or before the end of March 2003. In case the matter, for one or other reason remains pending without adjudication thereafter, it will be open for either of the parties to move the Single Bench appripriately for early hearing by fixing a peremptory date.

With the above observations, the appeal is allowed to the aforesaid extent without entering into the merits of the issues involved, with no order as to costs.

In view of the order passed in the main appeal, no order in the Civil Application.

(J.N.Bhatt, J.)

(K.A.Puj, J.)

(vjn)